Richard J. Rabin (RR-0037) Lauren H. Leyden (LL-0937) AKIN GUMP STRAUSS HAUER & FELD LLP 590 Madison Avenue New York, New York 10022 (212) 872-1000 (tel) (212) 872-1002 (fax) E-mail: rrabin@akingump.com lleyden@akingump.com Attorneys for Defendant United Parcel Service, Inc. UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK WILLIAM O'BRIEN, : No. CV-07-10437 (LTS) Plaintiff, -against-UNITED PARCEL SERVICE INC., Defendant.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that the undersigned counsel hereby enters his appearance in this matter on behalf of Defendant United Parcel Service, Inc. ("UPS"), as counsel of record, and requests that all papers be served upon the undersigned.

PLEASE TAKE FURTHER NOTICE that the filing of this Notice of Appearance is made without waiver of or prejudice to any defenses that Defendant may have in this action.

Dated: New York, New York

May 8, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

By:

Richard J. Rabin (RR-0037) 590 Madison Avenue New York, New York 10022 (212) 872-1000 (tel) (212) 872-1002 (fax)

Attorney for Defendant United Parcel Service, Inc. ("UPS")

CERTIFICATE OF SERVICE

I, Richard J. Rabin, an attorney with the law firm of Akin Gump Strauss Hauer & Feld LLP, hereby certify that on this 8th day of May 2008, I caused to be served, via regular mail, a copy of the attached Notice of Appearance upon:

> David G. Gabor (DG-9979) Gabor & Gabor 400 Garden City Plaza, Suite 406 Garden City, New York 11530 (516) 248-2525 (tel) (516) 248-4468 (fax)

Attorneys for Plaintiff William O'Brien